

## **EXHIBIT 7**

**FILED**

**MAY 10 2007**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

BONNEVILLE POWER  
ADMINISTRATION,

Petitioner,

CITY OF TACOMA; PORT OF  
SEATTLE; CORAL POWER, L.L.C.;  
CONSTELLATION ENERGY  
COMMODITIES GROUP, INC.,

Intervenors,

v.

FEDERAL ENERGY REGULATORY  
COMMISSION,

Respondent,

PACIFICORP,

Respondent-Intervenor.

Nos. 02-70262  
02-70270  
02-70274  
02-70294  
03-70185

FERC No. EL00-95-001  
District of Oregon,  
Portland

ORDER

Before: THOMAS, McKEOWN, and CLIFTON, Circuit Judges.

The order filed on March 7, 2007, is amended to include Docket

Nos. 02-70270, 02-70274, 02-70294, and 03-70185.

Having considered the California parties' arguments, the panel votes to deny the Petition for Rehearing and Petition for Rehearing en banc. The panel opinion

does not conflict with the D.C. Circuit's decision in Pacific Gas & Electric Company v. FERC, 306 F.3d 1112 (D.C. Cir. 2002). In that case, which arose in a different context under § 205 of the Federal Power Act ("FPA"), 16 U.S.C. § 824d, and did not rest on a jurisdictional analysis under FPA § 201(f), the D.C. Circuit stated that "[a]s a general matter, publicly-owned utilities are not subject to FERC's §§ 205 and 206 jurisdiction, see FPA § 201(f), 16 U.S.C. § 824(f), although FERC may analyze and consider the rates of non-jurisdictional utilities to the extent that those rates affect jurisdictional transactions." Pacific Gas, 306 F.3d at 1114. The court did not say, or even imply, that FERC may assert jurisdiction over a non-jurisdictional entity for purposes of ordering a refund. The parties' other claim of a circuit conflict with United Distribution Companies v. FERC, 88 F.3d 1105 (D.C. Cir. 1996), is no more persuasive, as we explained earlier in the panel opinion.

The full court has been advised of the petition for rehearing and rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are denied.

An amended mandate shall be issued by the clerk to include Docket Nos. 02-70270, 02-70274, 02-70294, and 03-70185.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

BONNEVILLE POWER  
ADMINISTRATION,

Petitioner,

CITY OF TACOMA; et al.,

Intervenors,

v.

FEDERAL ENERGY REGULATORY  
COMMISSION,

Respondent,

PACIFICORP,

Respondent-Intervenor.

No. 02-70262  
FERC No. EL00-95-001

**JUDGMENT**

AZUSA, BANNING, COLTON, AND  
RIVERSIDE, CALIFORNIA,

Petitioner,

CORAL POWER, L.L.C.; et al.,

Intervenors,

v.

FEDERAL ENERGY REGULATORY  
COMMISSION,

No. 02-70270  
FERC No. EL00-95

**JUDGMENT**

Respondent,  
  
PACIFICORP,  
  
Respondent-Intervenor.

SACRAMENTO MUNICIPAL UTILITY  
DISTRICT,

Petitioner,  
  
PORT OF SEATTLE; et al.,  
  
Petitioners - Intervenor,  
  
CITY OF PASADENA, CALIFORNIA,  
  
Intervenor,

v.

FEDERAL ENERGY REGULATORY  
COMMISSION,  
  
Respondent.

No. 02-70274  
FERC No. FERC-EL95-001

**JUDGMENT**

SOUTHERN CALIFORNIA EDISON  
COMPANY; et al.,

Petitioners,  
  
PORT OF SEATTLE; et al.,  
  
Petitioners - Intervenor,

No. 02-70294  
FERC No. FERC-EL00-95-004

**JUDGMENT**

v.

FEDERAL ENERGY REGULATORY  
COMMISSION,

Respondent.

ARIZONA ELECTRIC POWER  
COOPERATIVE, INC.; et al.,

Petitioners,

CORAL POWER, L.L.C.,

Intervenor,

v.

FEDERAL ENERGY REGULATORY  
COMMISSION,

Respondent.

No. 03-70185

FERC No. Power Act

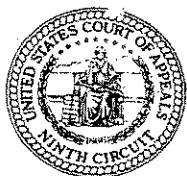
**JUDGMENT**

Upon Petition to Review a Decision of the  
Federal Energy Regulatory Commission

This cause came on to be heard on the Transcript of the Record from the  
Federal Energy Regulatory Commission and was duly submitted.

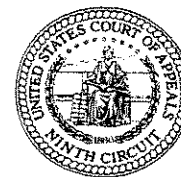
On consideration whereof, it is now here ordered and adjudged by this Court, that the decision of the Federal Energy Regulatory Commission in this cause be, and hereby is **GRANTED**.

**Filed and entered Tuesday, September 06, 2005**



Cathy A. Catterson  
Clerk of Court

Office of the Clerk  
United States Court of Appeals for the Ninth Circuit  
95 Seventh Street  
Post Office Box 193939  
San Francisco, California 94119-3939



(415) 355-8000

April 5, 2007

Robert H. Solomon, Solicitor  
FERC - FEDERAL ENERGY REGULATORY COMMISSION  
Rm. 9A-03  
888 First St., NE  
Washington, DC 20426

No.	Title	Agency/D.C. No.
02-70262	BPA v. FERC	EL00-95-001
02-70270	Cities of Anaheim, v. FERC	EL00-95
02-70274	Sacramento Municipal v. FERC	FERC-EL95-001
02-70294	City of Los Angeles v. FERC	FERC-EL00-95-004
03-70185	Arizona Electric v. FERC	Power Act

Dear Clerk:

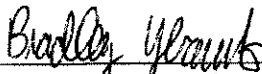
The following document in the above listed causes are being sent to you under cover of this letter.

- *Certified copy of the Decree of the Court*

The record on appeal will follow under separate cover. Please acknowledge receipt on the enclosed copy of this letter.

Very truly yours,

Cathy A. Catterson  
Clerk of Court

  
By: Bradley Ybarreta  
Deputy Clerk

Enclosure(s)